



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kenji KANEKO et al.

Group Art Unit: 2878

Appln. No : 09/938,663

Examiner: Seung SOHN

Filed : August 27, 2001

For : A SURVEYING INSTRUMENT HAVING AN OPTICAL DISTANCE  
METER AND AN AUTOFOCUS SYSTEM, AND A SURVEYING  
INSTRUMENT HAVING A DETACHABLE AUTOFOCUS SYSTEM

**RESPONSE TO ELECTION REQUIREMENT WITH TRAVERSE**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

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Sir:

In response to the Examiner's Election Requirement of August 26, 2003, setting a one month period for response to extend until September 26, 2003, Applicants elect Species I (the embodiment shown in Figs. 1-6) with traverse for the reasons expressed below. Claims 1-7 are considered to be "readable" on the Species I, and no claim is considered to be generic by the Applicants.

Applicants respectfully traverse the Election Requirement. Applicants note that an Official Action on the merits of all of the claims, directed to each of the different embodiments, was mailed on March 28, 2003. Accordingly, Applicants assume that the Examiner has previously performed a prior art search and considered the merits of the claims directed to each of the different embodiments. **Accordingly, Applicants submit that at this point it could not possibly be a serious burden to examine claims directed to the different embodiments, particularly since the Examiner has already considered and performed a prior art search for claims directed to the different embodiments.**

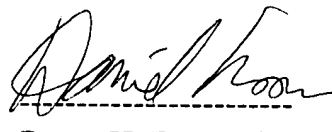
Further, it would appear that the search for the species identified by the Examiner would be coextensive or at least significantly overlap. Because the search of all of the species would be coextensive, it would not be a serious burden on the Examiner to examine all of the claims in this application. For this reason, and consistent with office policy as set forth in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the Election Requirement.

For the foregoing reasons, it is submitted that the Election Requirement in this application is improper and it is respectfully requested that it be reconsidered and withdrawn.

P21381.A03

Should there be any questions, the Examiner is invited to contact the undersigned  
at the below-listed telephone number.

Respectfully submitted,  
Kenji KANEKO et al.

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September 25, 2003  
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